

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

----- X  
THE MOUNT SINAI HOSPITAL,

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.  
----- X

Case No. 10-cv-05937-AKH

STIPULATION OF VOLUNTARY  
DISMISSAL

IT IS STIPULATED AND AGREED, by and between plaintiff, The Mount Sinai Hospital ("Plaintiff"), and defendant, the United States of America ("Defendant"), and pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), that in light of the January 11, 2011 decision by the United States Supreme Court in *Mayo Foundation for Education & Research, et al., v. United States* (09-837), Plaintiff's claims against Defendant in this action are hereby withdrawn and dismissed without prejudice.

It is further STIPULATED AND AGREED, by and between Plaintiff and Defendant, that each party is to bear its own fees and costs.

Dated: February 23, 2011

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United States Attorney for the Southern  
District of New York

By: /s/ Mark H. Churchill

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*Attorneys for The Mount Sinai Hospital*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 23rd day of February, 2011, I caused to be electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/ Mark H. Churchill

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